

REMARKS

Initially, Applicant appreciates the indication of allowable subject matter in the above referenced application. Specifically, claims 8-10 and 18 were allowed and claims 5 and 11 were objected to as containing allowable subject matter, but depending from a rejected base claim.

The remaining claims were rejected under 35 USC 102(b) as being clearly anticipated by Baar-Bartelt. Applicant respectfully traverses.

As the Examiner is well aware, in order for a reference to anticipate a claim, that reference must teach each and every element of the claim. Contrary to the Examiner's assertion, Baar-Bartelt fails to teach or suggest an ostomy receiving appliance. As such, the rejection is improper and must be withdrawn.

An ostomy receiving appliance (i.e., an ostomy bag) is well known medical appliance that is affixed to a patient that has a stoma. The ostomy bag is then used to collect waste expelled from the body. Thus, the terminology "ostomy receiving appliance" defines specific structure that is wholly absent from the reference.

Baar-Bartelt does not teach, suggest nor in any way relate to an ostomy appliance. Rather, the reference teaches a bag having a water/vapor barrier used for building materials. While the intended use of the referenced bag may not be limiting, the present claims relate to a combination of elements to define a package, which is more than the structure of the bag itself.

Claim 1, for example, defines a package that includes:

- 1) an ostomy bag (i.e., ostomy appliance) and
- 2) a disposal bag and
- 3) a defined structural relationship between the two.

The Examiner has not articulated how this reference could be interpreted to anticipate a combination of a disposal bag with an ostomy bag as the latter is notably absent from the reference; rather, the Examiner has relied upon a blanket statement of clear anticipation. Baar-Bartelt teaches a bag and nothing more. The claim requires a package including two separate structural components; an ostomy bag and a disposal bag folded in such a manner as to define a compartment to house the ostomy appliance that is distinct from the interior of the bag itself.

Applicants : Buhl
Serial No. : 10/566,590
Filed : 25 Sept 2006
Page : 3 of 3

Attorney Docket No.: 2002016-US

Claim 7 is allowable for the same or similar reasons as articulated above as are the remaining dependent claims.

CONCLUSION

Applicant respectfully asserts that the pending claims are in condition for allowance and notice of the same is respectfully requested. Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned. No additional fee are believed due at this time; however, the office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4429.

* * *

Respectfully submitted,
Anne Louise Buhl

Date: 16 Feb 2009

/Daniel G. Chapik/
Daniel G. Chapik, Reg. No. 43,424
Director and Chief Patent Counsel
Coloplast Corp., Coloplast A/S
Customer No. 69289
Telephone: (612) 344-2376